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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
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March 9, 2000

Magalie Roman Salas
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Washington, DC 20554

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MAR 13 2000
FCC MAIL ROOM

Re: NSD File No. L-99-101
CC Docket 96-98

Dear Ms. Salas,

I have enclosed an original and five copies of Representative Keith R. McCall's Comments in Support of the Pennsylvania Public Utility Commission's Petition for Delegated Authority to Implement Number Conservation Measures.

Please stamp the additional copy and return it in the enclosed envelope.

Sincerely,

Keith R. McCall

REPRESENTATIVE KEITH R. McCALL
State Representative
122nd Legislative District

No. of Copies rec'd 0+4
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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

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In the Matter of

**Pennsylvania Public Utility Commission's
Petition for Delegated Authority to Implement
Number Conservation Measures**

**NSD File No. L-99-101
CC Docket 96-98**

**COMMENTS OF REPRESENTATIVE KEITH R. McCALL
IN SUPPORT OF PENNSYLVANIA PUBLIC UTILITY
COMMISSION'S PETITION FOR DELAGATED
AUTHORITY TO IMPLEMENT NUMBER CONSERVATION MEASURES**

As Democratic Chairman of the Consumer Affairs Committee of the Pennsylvania House of Representatives, I hereby submit these Comments in support of the Pennsylvania Public Utility Commission (PAPUC) petition for Delegated Authority to Implement Number Conservation Measures (Petition) as submitted to the Federal Communications Commission (Commission) on December 27, 1999. The Consumer Affairs Committee is a permanent Standing Committee of the House of Representatives with legislative oversight and review authority over rules and regulations proposed by the PAPUC. Accordingly, I respectfully urge the Commission to take immediate action on the Petition so that the PAPUC may initiate rulemaking expeditiously to provide for the allocation and utilization of numbering resources in the Commonwealth of Pennsylvania.

I. THE AREA CODE RELIEF MEASURES IMPLEMENTED BY THE PAPUC HAVE NOT SOLVED THE NUMBERING CRISIS IN PENNSYLVANIA.

Section 251(e)(1) of the Communications Act of 1934 gives the Commission plenary jurisdiction over numbering administration issues as they pertain to the United States. The Communications Act, as amended by the Telecommunications Act of 1996 (TA-96), further gives the Commission the authority to delegate telecommunications numbering administration functions to the states.¹ Subsequent to the enactment of TA-96, the Commission delegated to the various state public utility commissions the authority to direct the form of area code relief, to perform the functions associated with initiating and planning area code relief, and to adopt final area code relief plans.² The FCC, however, declined to delegate to the states the authority to administer or allocate NXX codes.³ However, in an Order issued in response to a challenge to several number conservation measures proposed by the PAPUC to provide area code relief in the 215, 610, and 717 area codes, the Commission clarified the states authority over area code relief and number conservation. In what is now commonly referred to as *The Pennsylvania Numbering Order*⁴ the Commission ruled that although the PAPUC had exceeded its delegated authority by adopting various number conservation measures, Pennsylvania and other states could institute limited area code conservation measures.

¹ 47 U.S.C. §251.

² *Local Competition Second Report and Order*, 11 FCC Rcd 19392, 19512, 19516. "Area code relief" is the process by which NXX codes or central office codes are made available when there are a limited number or no unassigned NXX codes remaining in an existing area code and a new area code is introduced.

³ "NXX code" or "Central office code" refers to the second three digits of a ten-digit telephone number in the form NXX-NXX-XXXX, where N represents any one of the numbers 2 through 9 and X represents any one of the numbers 0 through 9. 47 CFR § 52.7(c).

⁴ *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*;

Specifically, the Commission ruled in the *Pennsylvania Numbering Order* that the PAPUC and other state commissions could order NXX code rationing in conjunction with area code relief decisions in the absence of industry consensus on a rationing plan to extend the life of an area code until implementation of relief. The Commission further ruled that state commissions and NXX code administrators could consider imposing a usage threshold that a telecommunications carrier must meet in its NXXs before obtaining another NXX in the same rate center. State commissions were encouraged to consider other measures, such as rate center consolidation, which affect number usage and may decrease the frequency of the need for area code relief. Furthermore, the Commission delegated to the states the authority to order voluntary number pooling on a limited basis.

The assignment of new area codes through the use of geographic splits and area code overlays have been the primary relief measures employed by the PAPUC to alleviate the numbering shortage in Pennsylvania. Although these area code relief measures have solved the immediate need for more telephone numbers, they only provide short-term relief to the numbering crisis resulting primarily from the antiquated system of allocating telephone numbers in 10,000 number blocks, and, secondarily from the explosion of local telephone competition and the widespread use of communications technologies. For instance, in Pennsylvania there were only four area codes in 1994 that had been in existence since the creation of the North American Numbering Plan (NANP).⁵

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, 1998.

⁵ *The North American Numbering Plan (NANP) is the basic numbering system for telecommunication networks located in Anguilla, Antigua, Bahamas, Barbados, Bermuda, British Columbia, Virgin Islands,*

However, the area code picture changed in 1995 and there has been an increasing demand for more and more telephone numbers since then. In January 1995, the 215 area code was split to create the 610 area code; in March, 1998, the 412 area code was split to create the 724 area code; in April, 1999, the 717 area code was split and the 570 area code was created; in June, 1999, the 215 area code was overlaid with the newly created 267 area code, and the 610 area code was overlaid with the 484 area code thereby implementing mandatory ten-digit dialing in Southeastern Pennsylvania. Moreover, in July, 2001, the 412/724 area codes will be overlaid to create the 878 area code thereby, implementing mandatory ten-digit dialing in Southwestern Pennsylvania. Furthermore, procedures have already been implemented to overlay the 215/267 and 610/484 area code with a new area code, just several months after the introduction of the 267 and 484 area codes. The population of Pennsylvania is only 11.8 million but the state currently has nearly 75 million telephone numbers in 10 area codes.

The continuous introduction of new area codes is clearly not the answer to the ever increasing demand for new telephone numbers and the authority to institute area code relief measures delegated to the states by the Commission will not curtail such demand. I submit that the PAPUC and other state commissions need additional delegated authority to implement number conservation measures in order to avoid the proliferation of area codes and the possible complete exhaust of telephone numbers in the NANP.

Canada, Cayman Islands, Dominica, Dominican Republic, Grenada, Jamaica, Montserrat, St. Kitts & Nevis, St. Lucia, St. Vincent, Turks & Caicos Islands, Trinidad & Tobago, and the United States, including Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands.)

II. THE NUMBERING CONSERVATION METHODS PROPOSED IN THE PAPUC'S PETITION WILL PROVIDE LONG-TERM SOLUTIONS TO THE NUMBERING CRISIS IN PENNSYLVANIA.

The Commission has admitted that the limitations in the current area code relief paradigm underscore the need for more efficient and longer-term solutions to the numbering crisis.⁶ Accordingly, in its petition the PAPUC seeks a grant of authority from the Commission to institute several numbering conservation measures. These measures include, but are not limited to, mandatory thousand-block number pooling, usage thresholds, NXX code sharing, reclamation of unused NXX codes, and unassigned number porting and individual number pooling for certain carriers. In the *Pennsylvania Numbering Order*, the Commission acknowledged that the use of area code relief measures as the only solutions to the numbering crisis is unresponsive to the needs of consumers. This additional authority requested by the PAPUC, coupled with the authority to implement area code relief measures will give the PAPUC the tools it needs to provide a more efficient and long-term approach to resolving the numbering crisis. Moreover, the delegated authority to implement number conservation measures will permit the PAPUC to focus on alternatives that by definition will be designed to conserve telephone numbers rather than create more numbers to satisfy demand and risk the exhaust of the NANP.

⁶ *Numbering Resource Optimization, Notice of Proposed Rulemaking, CC Docket No. 99-200 (June, 1999).*

III. THE PAPUC PETITION FOR DELEGATED ADDITIONAL AUTHORITY TO IMPLEMENT NUMBER CONSERVATION MEASURES IS IN THE PUBLIC INTEREST.

The PAPUC Petition will eliminate most, if not all, of the financial and societal costs associated with the introduction of new area codes. More importantly, however, the additional delegated authority will enable the PAPUC to allocate telephone numbers where they are most needed, thereby helping to facilitate competition in the telecommunications industry as envisioned in TA-96.

The proliferation of area codes is costly not only for state commissions but also for industry, business, and residential consumers. Every time a new area code is introduced telecommunications carriers must suffer the cost of equipment and technology upgrades to ensure telephone service. Businesses have to reprint stationery and re-program fax machines, computer modems, and other communications devices. They also incur costs associated with advertising new telephone numbers. However, the cost to a small business could be disastrous when customers are unaware of an area code change or when customers can not get their calls through because of a technical glitch resulting from the change. The costs incurred by the residential consumer are hard to quantify primarily because they are associated with inconvenience. These cost include re-programming alarm systems, telephone answering machines, notifying family, friends, and professional service providers, such as doctors and teachers, of the new area code. Public safety concerns associated with the handling of emergency 911 calls are also inherent in the rapid proliferation of area codes. Accordingly, granting the PAPUC Petition would eliminate most, if not all, of these economic and societal burdens faced by consumers when a new area code is introduced.

The PAPUC Petition will also help facilitate competition in the provision of local telephone service. The additional authority to implement number conservation measures requested by the PAPUC will enable it to efficiently allocate telephone numbers where they are most needed without resorting to area code relief measures to provide the numbers. One number optimization methods proposed in the PAPUC petition would provide for the assignment of telephone numbers to competitive local exchange carriers entering a local market in a thousand-block rather than by full central office code as exist today. The 10,000 number block assigned to a rate center would still be assigned to that rate center but would be allocated among multiple service providers at the one thousand block level. I submit that this system of allocation and the other number optimization measures proposed by the PAPUC would provide for a more efficient assignment of telephone numbers and would make more telephone numbers available to competitive local exchange carriers. However, the Commission and telecommunications industry must recognize that robust competition can not occur without an overhaul of the antiquated monopoly model currently used to assign telephone numbers in blocks of 10,000. Accordingly, I further submit that the emergence of competitive local exchange carriers juxtaposed with the on-going demand for telephone numbers to motor various communications devices, such as fax machines, cellular phones, computer modems, and pagers, supports the PAPUC and other state commissions' need for alternatives to area code relief that neither jeopardize local telephone competition nor compromise numbering resources.

More importantly, the PAPUC Petition will help conserve telephone numbers as a public resource. The NANP has been estimated to reach exhaust by 2007.⁷ The exhaust of the NANP could result in eleven-digit or twelve-digit dialing which would lead to more costs, inconvenience, and frustration for consumers. However, according to data provided by the NANP Administrator, only 34% (or 328.3 million telephone numbers) of the numbers available throughout the entire NANP were assigned as of December 1998. At that time, about 650 million telephone numbers remained unassigned. I submit that there is not a shortage of telephone numbers but a long-standing failure of regulators and industry to consider and address fully the current allocation methods of numbering resources. The number optimization measures proposed by the PAPUC would check the proliferation of area codes and thus extend the life of the NANP. I support the PAPUC's Petition and commend its initiative to find solutions to the numbering utilization and allocation crisis in the Commonwealth of Pennsylvania.

⁷ "North American Numbering Plan Exhaust Study," Submitted by North American Numbering Plan Administrator Lockheed Martin, April 22, 1999.

IV. CONCLUSION.

The numbering allocation and utilization problems in Pennsylvania are no different and are just as frustrating for State legislators as they are for utility regulators. As a State Legislator, however, I face the brunt of consumer angst and dissatisfaction when rumor of a new area code begins to spread. The only difference is that I am more visible and easier to find and complain to than the regulators.

The legislative district I represent in the House of Representatives includes all of Carbon County and a small portion of Luzerne County in Northeastern Pennsylvania. My Legislative district is primarily rural and is situated in the Lehigh Valley in close proximity to Allentown and not that distant from Philadelphia. In recent years, my constituents have suffered through the geographic split of area code 215 to create area code 610 in 1995, and the split of area code 717 to create the 570 area code in 1999. Most people in my district and statewide simply believe that new area codes are needed because there is a shortage of telephone numbers. I would not want to contemplate the public outrage Pennsylvania Legislators would face if our constituents realized that the area code changes implemented in this State were, in fact, not needed but the mere result of mismanagement of numbering resources. I submit that the only alternative to additional delegated authority proposed in the PAPUC Petition is more of the same; new area code after new area code costing consumers more money, inconvenience, and frustration and ultimately, risking complete exhaust of the NANP. While the PAPUC and other state commissions stand rudderless waiting for the Commission and industry to

recognize that further delay in effectively addressing the numbering resource crisis could lead to the extinction of our telecommunications network.

I fully support the PAPUC's Petition for Additional Delegated Authority to Implement Number Conservation Measures. I echo the PAPUC Petition's conclusion that absent the ability to deal with the numbering crisis, Pennsylvania, its citizens, and its telephone network will continue to be in perpetual turmoil, barely able to reprogram to include a new area code before another is required.

The People in Pennsylvania, especially those living in the Southeastern and Southwestern regions of the State, are fatigued with the constant introduction of new area codes. The People of Pennsylvania and nationwide should no longer be liable for the economic and societal costs associated with area code relief, especially since those costs are the end result of mismanagement of a public resource. Therefore, I respectfully request that the Commission review these comments as it considers what actions to take regarding the Pennsylvania Public Utility Commission's Petition for Additional Delegated Authority To Implement Number Conservation Measures. I urge the Commission to grant the PAPUC's Petition so that it may posthaste initiate a rulemaking to establish criteria for assignment and utilization of numbering resources in the Commonwealth of Pennsylvania.

Respectfully submitted,

A handwritten signature in black ink that reads "Keith R. McCall". The signature is written in a cursive, flowing style.

REPRESENTATIVE KEITH R. McCALL
State Representative
122nd Legislative District